

PATENT
Attorney Docket 612,404-408
(formerly atty docket 265/018)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John J. Carrino, et al.)	Group Art Unit: 1634
)	
Serial No.:	09/865,807)	Examiner: G. Jones
)	(formerly J. Taylor)
Filed:	May 25, 2001)	
)	
For:	Multiplex Amplification And)	
	Separation Of Nucleic Acid Sequences)	
	Using Ligation-Dependent Strand)	
	Displacement Amplification And)	
	Bioelectronic Chip Technology)	

SUPPLEMENTAL RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Assistant Commissioner:

As an initial matter, Applicants appreciate the courtesy extended by Examiner Jones to the undersigned representative in a telephone conference on November 6, 2002, to discuss a recently filed terminal disclaimer for this Application. On October 22, 2002, in response to the Office Action mailed April 25, 2002, Applicants submitted an Amendment and Response along with a Terminal Disclaimer to address the issues raised in the Office Action and to place this Application in condition for allowance. Former Examiner Taylor had noted in the Office Action that, although they were rejected under the judicially created doctrine of obviousness-type double patenting, the currently pending claims were free of the prior art.

In reviewing the filed papers, we discovered that the Terminal Disclaimer filed October 22, 2002, contained a typographical error and inadvertently referred to U.S. Patent No. 6,309,833 in the

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(37 C.F.R. §1.8)

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second and third paragraphs, although the Terminal Disclaimer correctly referred to U.S. Patent No. 6,238,868 in the first paragraph. Accordingly, Applicants submit herewith an updated Terminal Disclaimer to properly disclaim the terminal part of any patent granted on this Application that would extend beyond the statutory expiration date of U.S. Patent No. 6,238,868, subject to the statements in the Terminal Disclaimer.

Please withdraw the Terminal Disclaimer filed October 22, 2002, and substitute that disclaimer with the corrected Terminal Disclaimer submitted herewith. Also, please ensure that any patent issuing from this Application properly reflects that the subject of the Terminal Disclaimer is U.S. Patent No. 6,238,868.


Applicants invite the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: November 6, 2002

By:



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U.S. Patent Office, Art Unit 1634

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MESSAGE

Re: **Carrino et al.**
U.S. Application Serial No. 09/865,807

Attorney Docket No. 612,404-408
(formerly docket 265/018)

For: Multiplex Amplification and Separation of Nucleic Acid Sequences Using Ligation-
Dependent Strand Displacement Amplification and Bioelectronic Chip Technology

Document(s) attached:

1. Supplemental Response – 2 pages
2. Terminal Disclaimer – 2 pages

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OR OUR FAX DEPARTMENT AT (949) 737-2981.**

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